

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**JOE DANIEL HOLT, Jr.,**

**Plaintiff,**

**V.**

KRISTI A. VALLS, et al.,

## Defendants.

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**) Case No. 2:08-CV-1693-VEH-JEO**

## MEMORANDUM OF OPINION


The magistrate judge filed a report and recommendation on November 16, 2009, recommending that the defendants' motions to dismiss be granted and that this action be dismissed for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). The magistrate judge further recommended that any state law claims be dismissed without prejudice pursuant to 28 U.S.C. § 1367(c)(3).<sup>1</sup> The parties were advised that they may file specific written objections to the report within fifteen days. Although the defendants have not responded to the report, the plaintiff filed objections on November 25, 2009.

<sup>1</sup> The magistrate judge's finding were based upon the reasons set forth in the report and recommendation of November 16, 2009, and upon the initial report and recommendation entered January 5, 2009.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and hereby is **ADOPTED** and the recommendation is **ACCEPTED**. Accordingly, the defendants' motions to dismiss (Doc's. #23, #28 and #33) are due to be and hereby are **GRANTED** and this action is due to be dismissed pursuant to 28 U.S.C. § 1915A(b)(1) for failing to state a claim upon which relief may be granted. To the extent that any state law claims are asserted in the complaint, they are due to be dismissed without prejudice pursuant to 28 U.S.C. § 1367(c)(3).

A Final Judgment will be entered.

**DONE** this the 10th day of December, 2009.

  
**VIRGINIA EMERSON HOPKINS**  
United States District Judge